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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/558,432

11/29/2005

Seung-Myun Baek

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11/29/2010

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EXAMINER

WYLLIE, CHRISTOPHER T

ART UNIT

PAPER NUMBER

2465

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/558,432	<b>Applicant(s)</b> BAEK ET AL.	
	<b>Examiner</b> CHRISTOPHER T. WYLLIE	<b>Art Unit</b> 2465	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/18/2009; 06/15/2010; 07/30/2010; 09/15/2010</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED OFFICE ACTION**

1. This action is responsive to the communication received March 26<sup>th</sup>, 2010.  
Claims 1-18 have been canceled. Claims 19-20 have been newly added. Claims 19-20 have been entered and are presented for examination.
2. Application 10/558,432 is a 371 of PCT/KR04/01152 (05/14/2004) and claims priority to Foreign Applications 10-2004-0022208 (03/31/2004) and 10-2004-0034962 (05/30/2003) from the Republic of Korea.
3. Applicant's arguments, filed March 26<sup>th</sup>, 2010, have been fully considered, but deemed moot in view of the new grounds of rejection which has been necessitated by Applicant's amendment.

### ***Continued Examination Under 37 CFR 1.114***

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 26<sup>th</sup>, 2010 has been entered.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al. (US 2006/0047677) in view of Merrick et al. (US 7,028,312).

Regarding claims 19 and 20, Lin et al. discloses an electronic device connected to a network (**see Figure 1, Computer 110 [the computer is connected to a remote server via a modem connected to the Internet [see also paragraph 0024]]**), comprising: an interfacing unit configured to transmit data to the network and/or receive data from the network (**see Figure 1, Modem 172**); a memory configured to store data (**see Figure 1, System Memory**); and a controller (**see Figure 1, Processing Unit**)

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configured to: receive, via the interfacing unit, downloading requests from the network, wherein first data to be transmitted from the network to the electronic device is divided into the downloading requests, wherein each downloading request includes total number of the downloading request and current number of the each downloading request **(paragraphs 0037-0038 [File data to be written is divided into file request sections; file sections are sent in multiple section request messages; each section request message contains a sequences number that corresponds to the section's position relative to the other file sections])**, perform a processing operation of the first data using the total number and the current number, wherein the processing operation comprises extracting a command code from the first data message **(It is well known that the command code has to be extracted in order to processes the instruction)**, store the processed first data in the memory **(paragraph 0038-0039 [the file sections are sent to and stored at the file server])**, and receive, via the interfacing unit, an uploading request from the network, wherein the uploading request includes data size information and order information, the data size information specifying a size of data unit into which second data to be transmitted from the electronic device to the network according to the uploading request is divided, and the order information specifying an order of a plurality of data units to be transmitted according to the uploading request , and transmit, via the interfacing unit, a specific data unit corresponding to the uploading request to the network **(paragraphs 0044-0047 [the read request includes a data size to be read; the data is divided into sections based on the negotiated max buffer size; each file section includes as sequence**

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**number that corresponds to the section's position relative to the other sections; ACK messages are sent corresponding the sent request file sections])).** Lin et al. does not explicitly disclose extracting as many arguments as necessary according to a version of a transmitting protocol applied to the electric device, and discarding remaining arguments when the remaining arguments exist. However, Merrick et al. disclose such features **(column 15, lines 9-31 and column 24, lines 30-48 [arguments are encoded into a message and sent to the server (device) to perform a function with the arguments and to send back the return arguments; the message sent may include more arguments (values) due to an updated version; however, the mechanism allows the service to continue to function with using only information that existed in the previous version; Merrick et al. implicitly implies that the unused values associated with the newer protocol are ignored])).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of Merrick et al. into the system of Lin et al. The method of Merrick et al. can be implemented by incorporating a mechanism in the device that allows for messages sent from a second device, which uses an updated version of a protocol with more input values to perform a command, to process messages using only the known values of the protocol to perform a command.

***Response to Arguments***

9. Applicant's arguments, filed March 26<sup>th</sup>, 2010, have been fully considered, but deemed moot in view of the new grounds of rejection which has been necessitated by Applicant's amendment.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER T. WYLLIE whose telephone number is (571) 270-3937. The examiner can normally be reached on Monday through Friday 8:30am to 6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher T. Wyllie/  
Examiner, Art Unit 2465

/Jayanti K. Patel/  
Supervisory Patent Examiner, Art Unit 2465